



DAC/IEW

Docket No.: 132538-1001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No: 6,567,791

Date of Issue: May 20, 2003

Application No. 09/185,878, Filed: 11/03/1998

Confirmation No.: 1164

For: Method and Apparatus for a Verifiable On Line
Rejection of an Applicant for Credit

PETITION FOR CORRECTION OF INVENTORSHIP
OF PATENT UNDER 37 C.F.R. §1.324

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

This is a Petition for Correction of Inventorship of Patent Under 37 C.F.R. §1.324, seeks to correct the error of nonjoinder of Dermot Gately as an inventor in the referenced patent.

Accompanying this petition are the following:

1. A Petition Under 37 C.F.R. §1.183 to waive the requirement under 37 C.F.R. §1.324(b)(2) for a statement from the current inventors who are not supplying a statement pursuant to 37 C.F.R. §1.324(b)(1).
2. Written consent of the assignee to correction of inventorship, along with a statement under 37 C.F.R. §3.73(b), establishing right of assignee to take action; and

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3. Statement pursuant to 37 C.F.R. §1.324(b)(1) of the non-joined inventor, Dermot Gately, that the error in inventorship occurred without deceptive intent on his part.

It is respectfully requested that, pursuant to 37 C.F.R. §1.324(b)(1), the Commissioner issue a certificate naming the actual inventors, which corrects the error of the nonjoinder of Dermot Gately, and that names Mr. Gately as a co-inventor of the referenced patent, along with Jeremy R. Lent, Mary Lent, Eric R. Meeks, Yinzi Cai, Timothy J. Coltrell, and David W. Dowhan.

Please take note that the referenced patent is the subject of claims of patent infringement made by NextCard, LLC in actions styled *NextCard, LLC v. American Express Company, et al.*, Civil Action No. 2:07-cv-354 (TJW), in the U.S. District Court for the Eastern District of Texas, Marshall Division; *NextCard, LLC v. LivePerson, Inc.*, Civil Action No. 2:08-cv-00184 (TJW), in the U.S. District Court for the Eastern District of Texas, Marshall Division and *LivePerson, Inc. v. NextCard, LLC, et al.*, Civil Action No. 08-062 (GMS), in the U.S. District Court for the District of Delaware. The accused infringers have interposed to the claims the defenses of non-infringement, invalidity and unenforceability. However, no specific allegations of misjoinder or non-joinder of inventors has been plead or otherwise made by the accused infringers.

The Director is hereby authorized to charge the fee in the amount of \$130 under 37 C.F.R. §1.20(b) to our Deposit Account No. 07-0153. The Director is also authorized to refund any overpayment or charge any other fees which should have been filed herewith.

Dated: May 29, 2009

Respectfully submitted,

By 

Marc A. Hubbard

Registration No.: 32,506

GARDERE WYNNE SEWELL LLP

1601 Elm Street, Suite 3000

Dallas, Texas 75201-4761

(214) 999-4880

Attorneys For Applicant



Docket No.: 132538-1001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No: 6,567,791

Date of Issue: May 20, 2003

Application No. 09/185,878, Filed: 11/03/1998

Confirmation No.: 1164

For: Method and Apparatus for a Verifiable On Line
Rejection of an Applicant for Credit

PETITION UNDER 37 C.F.R. §1.183

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

This Petition under 37 C.F.R. §1.183 accompanies a Petition for Correction of Inventorship of Patent under 37 C.F.R. §1.324(b) (the "Petition to Correct Inventorship") for correction of the error of nonjoinder of Dermot Gately as an inventor in the referenced patent.

The current assignee of 100% of the interest in the patent, NextCard, LLC, hereby petitions for a waiver of the requirement under 37 C.F.R. §1.324(b)(2) for a statement from currently named inventors agreeing to change inventorship, or stating that there is no disagreement in regard to the requested change.

In support of the petition, NextCard LLC would show the following:

1. NextCard, LLC is the current assignee of 100% of the interest in the patent, as evidenced by the Statement Under 37 C.F.R. §3.73(b), establishing the right of NextCard, LLC to take action, which accompanies the Petition for Correction of Inventorship. The inventor to be added, Dermot Gately, has assigned his entire interest in the patent, as evidenced by the assignment recorded at reel/frame 017154/ 0145 on February 10, 2006, to NextCard, Inc. All previously named inventors have assigned their respective interests to the predecessor-in-interest, and no longer have any interest in the patent, as evidenced by the assignment from the inventors to NextCard, Inc. recorded at reel/frame no. 009972/0717.
2. The addition of Mr. Gately as an inventor would, it is submitted, not prejudice the interests of the originally named inventors, as they retain no interest in the patent.
3. NextCard LLC consents to adding Dermot Gately as an inventor, as evidenced by the Consent of Assignee to Change of Inventorship in Patent Under 37 C.F.R. §1.324(b)(3) that accompanies the Petition for Correction of Inventorship.
4. Dermot Gately was added as an inventor in continuation application no. 10/386,390, now U.S. patent no. 7,143,063. Attached as Exhibit "A" is a copy of a Request Under 37 C.F.R. §1.48(a) to correct Inventorship and Petition Under 37 C.F.R. 1.183 To Waive Requirements of 37 C.F.R. 1.64, and accompanying papers, which were filed in the continuation application. Attached as Exhibit "B" is a copy of the Notice of Allowance, in which the request was granted. The continuation application has a substantially identical specification to that of the present patent, and the claims are directed generally to the same subject matter. Dermot Gately executed an inventor declaration referencing the continuation application, which was also signed by two of the six inventors. A copy of the inventor declaration is included in the papers attached as Exhibit "A".
5. The addition of Mr. Gately would be consistent with the inventorship of the continuation application and with the declaration Mr. Gately and two of the other inventors in the continuation application that, in effect, Mr. Gately was a co-inventor of the subject matter claimed in the continuation application. It is submitted that the subject matter claimed in the

present patent is substantially similar to the subject matter claimed in the continuation application.

6. In view of the facts, it is submitted that the statements of the remaining inventors are unnecessary.

For the foregoing reasons, NextCard, LLC respectfully petitions for waiver of 37 C.F.R. §1.324(b)(2).

The Director is hereby authorized to charge the fee under 37 C.F.R. 1.17(f) in the amount of \$400 to Deposit Account No. 07-0153. The Director is also hereby authorized to credit any overpayment or charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith.

Dated: May 29, 2009

Respectfully submitted,

By 
Marc A. Hubbard

Registration No.: 32,506
GARDERE WYNNE SEWELL LLP
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
(214) 999-4880
Attorneys For Applicant

Exhibit A



PATENT

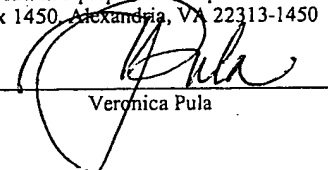
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	LENT, et al.	Examiner:	John W. Hayes
Application No.:	10/386,390	Art Unit:	3621
Filed:	March 10, 2003	Docket No.:	NEXTP002C2
Title:	METHOD AND APPARATUS FOR A VERIFIABLE ON LINE REJECTION OF AN APPLICANT FOR CREDIT		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in a prepaid envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

February 28, 2006


Veronica Pula

**REQUEST UNDER 37 C.F.R. 1.48(a) TO CORRECT INVENTORSHIP AND PETITION
UNDER 37 C.F.R. 1.183 TO WAIVE REQUIREMENTS OF 37 C.F.R. 1.64**

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith are the following: the executed Statement of Dermot Gately; a partially executed new Declaration and Power of Attorney, executed in parts; an Assignee's Consent to Change of Inventorship; and a Statement of William James documenting efforts to obtain the signature of co-inventors who did not execute the enclosed new Declaration and Power of Attorney. Please file these documents in the subject application.

Applicant hereby requests under 37 C.F.R. 1.48 (a), based on the above-referenced documents, that the inventorship of the above-captioned application be changed to add Dermot Gately as an additional co-inventor, in addition to the inventors listed in the original declaration.

The enclosed new Declaration and Power of Attorney has been executed, in parts, by co-inventors Eric R. Meeks, David W. Dowhan, and Dermot Gately. Jeremy R. Lent, Mary Lent, Yinzi Cai, and Timothy J. Coltrell have not signed the enclosed new Declaration and Power of

Attorney listing the original inventors and additionally Dermot Gately. Therefore, as suggested in MPEP 201.03, Assignee NextCard, Inc. hereby petitions the Director under 37 C.F.R. 1.183 to suspend the requirement of 37 C.F.R. 1.64 to the extent said rule requires in the context of the present request under 37 C.F.R. 1.48(a) that the non-signing co-inventors Jeremy R. Lent, Mary Lent, Yinzi Cai, and Timothy J. Coltrell re-execute an oath or declaration that includes the inventor requested to be added, Dermot Gately, along with the originally listed inventors.

MPEP 201.03 suggests that where, as here, the Assignee consents to the requested change of inventorship and the inventor to be added has executed the new oath/declaration and the statement that the inventor to added was not omitted through any deceptive intent on his/her part, a petition to suspend the rules with respect to non-signing co-inventors is grantable without a showing that the non-signing inventors were afforded an opportunity to sign the new oath/declaration. Therefore, it is believed that no further showing is required. However, in the interest of completeness, the accompanying Statement of William James describes efforts to obtain the missing signatures, which efforts have not been successful.

It is noted that NextCard, Inc. entered Chapter 11 (reorganization) bankruptcy on November 14, 2002, which bankruptcy was converted to a Chapter 7 (liquidation) bankruptcy on August 11, 2003. It is submitted that timely resolution of the present request and petition would be in the public interest by removing a potential obstacle to the sale or other disposition of the present application by the bankruptcy estate, facilitating ultimately final resolution of the estate and the associated matter pending before the bankruptcy court.

Enclosed is our Check No. 2168 for \$530.00 in payment of the processing under 37 C.F.R. 1.17(i) for the request under 37 C.F.R. 1.48(a) and the petition fee under 37 C.F.R. 1.17(f) for the petition under 37 C.F.R. 1.183. The Commissioner is authorized to charge any other fees that may be due to our Deposit Account No. 50-0685 (Atty. Dkt. No. NEXTP002C2).

Respectfully submitted,



William J. James
Reg. No. 40,661

VAN PELT & YI LLP
10050 N. Foothill Blvd. Suite 200
Cupertino, CA 95014
(408) 973-2592



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	LENT, et al.	Examiner:	John W. Hayes
Application No.:	10/386,390	Art Unit:	3621
Filed:	March 10, 2003	Docket No.:	NEXTP002C2
Title:	METHOD AND APPARATUS FOR A VERIFIABLE ON LINE REJECTION OF AN APPLICANT FOR CREDIT		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in a prepaid envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Feb. 28, 2006

STATEMENT OF DERMOT GATELY

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The error in inventorship with respect to the United States Patent Application No. 10/386,390, by which I was not originally named as an inventor, occurred without deceptive intent on my part.

Respectfully submitted,

Dermot Gately



DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. NEXTP002C2

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD AND APPARATUS FOR A VERIFIABLE ON LINE REJECTION OF AN APPLICANT FOR CREDIT, the specification of which,

- (check one)
1. ☐ is attached hereto.
 2. ☒ was filed on March 10, 2003 as
U.S. Application No. 10/386,390
and was amended on _____
 3. ☐ was filed on _____ as
International PCT Application No. _____
and was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR § 1.56.

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Benefits Claimed?

(Appl. No.)

(Country)

(Filing Date)

☐ Yes ☐ No

(Appl. No.)

(Country)

(Filing Date)

☐ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. § 119(c) of any United States provisional application(s) listed below:

Prior Provisional Application(s)

(Application No.)

(Filing Date)

(Application No.)

(Filing Date)

(Revised 5/18/92)

Full Name of Third Joint

Inventor (if any): Eric R. MeeksCitizenship: USInventor's signature: Date of Signature: 2-17-06Residence: (City) San Francisco(State/Country) CA/USAPost Office Address: 153 Noe Street, San Francisco, CA 94114

Full Name of Fourth Joint

Inventor (if any): Yinzi CaiCitizenship: P.R.C.

Inventor's signature: _____

Date of Signature: _____

Residence: (City) Fremont(State/Country) CA/USAPost Office Address: 5460 Golubin Common, Fremont, CA 94555

Full Name of Fifth Joint

Inventor (if any): Timothy J. ColtrellCitizenship: US

Inventor's signature: _____

Date of Signature: _____

Residence: (City) Danville(State/Country) CA/USAPost Office Address: 2707 Deer Meadow Drive, Danville, CA 94506

Full Name of Sixth Joint

Inventor (if any): David W. DowhanCitizenship: US

Inventor's signature: _____

Date of Signature: _____

Residence: (City) Mountain View(State/Country) CA/USAPost Office Address: 161 Palmer Ave., Mountain View, CA 94043

Full Name of Seventh Joint

Inventor (if any): Dermot GatelyCitizenship: United States

Inventor's signature: _____

Date of Signature: _____

Address: (City) San Bruno(State/Country) CA/USPost Office Address: 1811 Kains Avenue, San Bruno, CA 94066



DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. NEXTP002C2

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD AND APPARATUS FOR A VERIFIABLE ON LINE REJECTION OF AN APPLICANT FOR CREDIT, the specification of which,

(check one)

1. ☐ is attached hereto.

2. ☒ was filed on March 10, 2003 as
U.S. Application No. 10/386,390
and was amended on _____.

3. ☐ was filed on _____ as
International PCT Application No. _____
and was amended on _____.

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Prior Foreign Application(s)

Priority Benefits Claimed?

(Appl. No.) (Country) (Filing Date)

☐ Yes ☐ No

(Appl. No.) (Country) (Filing Date)

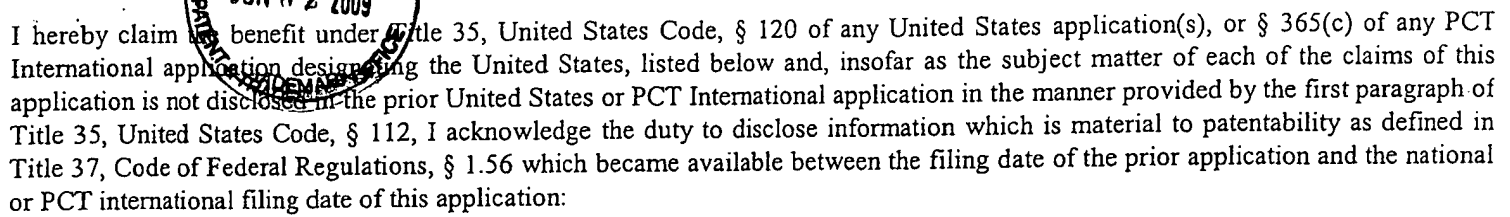
☐ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Prior Provisional Application(s)

(Application No.) (Filing Date)

(Application No.) (Filing Date)



Prior U.S. Application(s)

<u>09/185,878</u>	<u>November 3, 1998</u>	<u>Patent No. 6,567,791</u>
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
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And I hereby appoint the law firm of Van Pelt & Yi LLP, including Lee Van Pelt (Reg. No. 38,352); Susan C. Yi (Reg. No. 39,883); and William J. James (Reg. No. 40,661) Scott S. Kokka (Reg. No. 51,893) and Diana Y. Fu (Reg. No. 52,924) as my principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Please Direct all Correspondence To:

Customer No. 21912
Van Pelt & Yi LLP
10050 N. Foothill Blvd., Ste 200.
Cupertino, CA 95014

Direct Telephone Calls To:

William J. James at telephone number (408) 973-2592

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Typewritten Full Name of
Sole or First Inventor: Jeremy R. Lent Citizenship: UK

Inventor's signature: _____ Date of Signature: _____

Residence: (City) Corte Madera (State/Country) CA/USA

Post Office Address: 102 Edison Ave., Corte Madera, CA 94025

Full Name of Second Joint Inventor (if any): Mary Lent Citizenship: US

Inventor's signature: _____ **Date of Signature:** _____

Residence: (City) Corte Madera (State/Country) CA/USA

Post Office Address: 102 Edison Ave., Corte Madera, CA 94025

Full Name of Third Joint
Inventor (if any): Eric R. Meeks Citizenship: US

Inventor's signature: _____ Date of Signature: _____

Residence: (City) San Francisco (State/Country) CA/USA

Post Office Address: 153 Noe Street, San Francisco, CA 94114

Full Name of Fourth Joint
Inventor (if any): Yinzi Cai Citizenship: P.R.O.C.

Inventor's signature: _____ Date of Signature: _____

Residence: (City) Fremont (State/Country) CA/USA

Post Office Address: 5460 Golubin Common, Fremont, CA 94555

Full Name of Fifth Joint
Inventor (if any): Timothy J. Coltrell Citizenship: US

Inventor's signature: _____ Date of Signature: _____

Residence: (City) Danville (State/Country) CA/USA

Post Office Address: 2707 Deer Meadow Drive, Danville, CA 94506

Full Name of Sixth Joint
Inventor (if any): David W. Dowhan Citizenship: US

Inventor's signature:  Date of Signature: 2/7/06

Residence: (City) Mountain View (State/Country) CA/USA

Post Office Address: ~~161 Palmer Ave., Mountain View, CA 94043~~ 350 Menlo CT, Walnut Creek, CA 94598

2/7/06

Full Name of Seventh Joint
Inventor (if any): Dermot Gately Citizenship: United States

Inventor's signature: _____ Date of Signature: _____

Address: (City) San Bruno (State/Country) CA/US

Post Office Address: 1811 Kains Avenue, San Bruno, CA 94066



**DECLARATION AND POWER OF ATTORNEY
FOR ORIGINAL U.S. PATENT APPLICATION**

Attorney's Docket No. NEXTP002C2

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD AND APPARATUS FOR A VERIFIABLE ON LINE REJECTION OF AN APPLICANT FOR CREDIT, the specification of which,

- (check one)
- 1. ☐ is attached hereto.
 - 2. ☒ was filed on March 10, 2003 as
U.S. Application No. 10/386,390
and was amended on _____.
 - 3. ☐ was filed on _____ as
International PCT Application No. _____
and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR § 1.56.

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Benefits Claimed?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Appl. No.)	(Country)	(Filing Date)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Appl. No.)	(Country)	(Filing Date)	

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

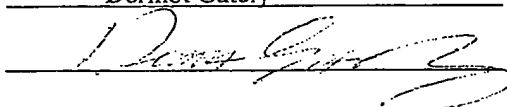
Prior Provisional Application(s)	
_____	_____
(Application No.)	(Filing Date)
_____	_____
(Application No.)	(Filing Date)

Full Name of Third Joint
Inventor (if any): Eric R. Meeks Citizenship: US
Inventor's signature: _____ **Date of Signature:** _____
Residence: (City) San Francisco (State/Country) CA/USA
Post Office Address: 153 Noe Street, San Francisco, CA 94114

Full Name of Fourth Joint
Inventor (if any): Yinzi Cai Citizenship: P.R.O.C.
Inventor's signature: _____ **Date of Signature:** _____
Residence: (City) Fremont (State/Country) CA/USA
Post Office Address: 5460 Golubin Common, Fremont, CA 94555

Full Name of Fifth Joint
Inventor (if any): Timothy J. Coltrell Citizenship: US
Inventor's signature: _____ **Date of Signature:** _____
Residence: (City) Danville (State/Country) CA/USA
Post Office Address: 2707 Deer Meadow Drive, Danville, CA 94506

Full Name of Sixth Joint
Inventor (if any): David W. Dowhan Citizenship: US
Inventor's signature: _____ **Date of Signature:** _____
Residence: (City) Mountain View (State/Country) CA/USA
Post Office Address: 161 Palmer Ave., Mountain View, CA 94043

Full Name of Seventh Joint
Inventor (if any): Dermot Gately Citizenship: United States
Inventor's signature:  **Date of Signature:** 2/1/06
Address: (City) San Bruno (State/Country) CA/US
Post Office Address: 1811 Kains Avenue, San Bruno, CA 94066



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	LENT, et al.	Examiner:	John W. Hayes
Application No.:	10/386,390	Art Unit:	3621
Filed:	March 10, 2003	Docket No.:	NEXTP002C2
Title:	METHOD AND APPARATUS FOR A VERIFIABLE ON LINE REJECTION OF AN APPLICANT FOR CREDIT		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in a prepaid envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Feb. 28, 2006.

ASSIGNEE'S CONSENT TO CHANGE OF INVENTORSHIP

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

NextCard, Inc., as assignee of the above-captioned application, hereby consents to the correction of inventorship request filed concurrently herewith, whereby Dermot Gately is added as an inventor. I am authorized to sign this consent on behalf of NextCard, Inc.

Respectfully submitted,

Alfred T. Giuliano

CHAPTER 7 TRUSTEE FOR THE
ESTATE OF NEXTCARD, INC.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	LENT, et al.	Examiner:	John W. Hayes
Application No.:	10/386,390	Art Unit:	3621
Filed:	March 10, 2003	Docket No.:	NEXTP002C2
Title:	METHOD AND APPARATUS FOR A VERIFIABLE ON LINE REJECTION OF AN APPLICANT FOR CREDIT		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in a prepaid envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

February 28, 2006


Veronica Pula

STATEMENT OF WILLIAM JAMES

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I am an attorney of record with respect to the above-captioned application.
2. I am informed and believe that on or about February 3, 2005, John T. Carroll III, of the Wilmington, DE office of the Cozen O'Conner law firm, who serves as special counsel to the trustee of the bankruptcy estate of assignee NextCard, Inc., sent to counsel representing Yinzi Cai, a co-inventor in the above-captioned case, in certain matters before the bankruptcy court a new declaration and power of attorney listing as inventors the inventors named originally and additionally Dermot Gately, and requested that counsel obtain Mr. Cai's signature on the document. I am informed and believe that on or about January 30, 2006 Mr. Carroll sent a follow up request by email to Mr. Cai's counsel. To date, we have not received a signed new declaration from Mr. Cai.
3. I am informed and believe that on or about February 3, 2005, John T. Carroll III, of the Wilmington, DE office of the Cozen O'Conner law firm, who serves as special counsel to the trustee of the bankruptcy estate of assignee NextCard, Inc., sent to counsel representing Jeremy and Mary Lent, co-inventors in the above-captioned case, in certain matters before the

Attorney Docket No. NEXTP002C2

bankruptcy court a new declaration and power of attorney listing as inventors the inventors named originally and additionally Dermot Gately, and requested that counsel obtain Mr. and Mrs. Lent's respective signatures on the document. I am informed and believe that on or about January 30, 2006 Mr. Carroll sent a follow up request by email to Mr. and Mrs. Lent's counsel. To date, we have not received a signed new declaration from either Jeremy Lent or Mary Lent.

4. I sent to co-inventor Timothy Coltrell, on February 1, 2006 by Federal Express to his last known home address and on February 2, 2006 by email, and requested that he sign and return a new declaration and power of attorney listing as inventors the inventors named originally and additionally Dermot Gately. Mr. Coltrell subsequently contacted me by email on February 2, 2006 and February 15, 2006 and indicated he would consider the papers and our request that he sign and return them; but to date, we have not received a signed new declaration from Mr. Coltrell.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William J. James".

William J. James
Reg. No. 40,661



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

21912 7590 07/17/2006
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

RECEIVED
JUL 20 2006
Van Pelt & Yi LLP
JUL 20 2006
VAN PELT, YI & JAMES
DOCKETED

EXAMINER	
BAYAT, BRADLEY B	
ART UNIT	PAPER NUMBER
3621	
DATE MAILED: 07/17/2006	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/386,390	03/10/2003	Jeremy R. Lent	NEXTP002C2	8739

TITLE OF INVENTION: METHOD AND APPARATUS FOR A VERIFIABLE ON LINE REJECTION OF AN APPLICANT FOR CREDIT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	10/17/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHT. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPO PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
 or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including advance orders and notification of maintenance fees will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

21912 7590 07/17/2006

VAN PELT, YI & JAMES LLP
 10050 N. FOOTHILL BLVD #200
 CUPERTINO, CA 95014

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/386,390	03/10/2003	Jeremy R. Lent	NEXTP002C2	8739

TITLE OF INVENTION: METHOD AND APPARATUS FOR A VERIFIABLE ON LINE REJECTION OF AN APPLICANT FOR CREDIT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	10/17/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
BAYAT, BRADLEY B	3621	705-038000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party interested as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/386,390	03/10/2003	Jeremy R. Lent	NEXTP002C2	8739
21912	7590	07/17/2006	EXAMINER	
VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			BAYAT, BRADLEY B	
			ART UNIT	PAPER NUMBER
			3621	
DATE MAILED: 07/17/2006				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/386,390

Examiner

Bradley B. Bayat

Applicant(s)

LENT ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication submitted on March 3, 2006.
2. ☒ The allowed claim(s) is/are 1, 4-9 and 11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 3, 2006 has been entered.

Status of Claims/Amendment

This communication is in response request for continued examination filed March 3, 2006 to correct inventorship and applicant's specification after a notice of allowance was issued on November 30, 2005.

- Claims 1, 4, 5, 9 and 11 are amended below.
- Claims 2, 3 and 10 were previously canceled.
- Petition to correct inventorship has been submitted.
- The specification has been currently amended.
- Claims 1, 4-9 and 11 are allowed.

Inventorship

In view of the papers filed on March 3, 2006, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by addition of Dermot Gately to the list of inventors.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Specification

As per Notice of Drawing Inconsistency with Specification dated February 6, 2006, applicant's March 3, 2006 amendment to include a brief description of Figure 10C in the Brief Description of the Drawings in the specification is entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William J. James (40,661) on September 29, 2005 at 1:40 p.m.

The claims have been amended as follows:

1. (Currently amended) A method of presenting a reason for the rejection of a credit application from an applicant comprising: electronically obtaining a factor from a credit bureau identified as influencing the FICO score assigned to the application by the credit bureau; using a computer processor to: map the factor identified by the credit bureau to an internal rejection code; determine whether the internal rejection code corresponds to a specific code or a general code; and change the internal rejection code to correspond to a specific rejection reason if it is determined that the internal rejection code corresponds to a general code and the specific

Art Unit: 3621

rejection reason is available; and providing a rejection reason corresponding to the internal rejection code to the applicant via a network; wherein the internal rejection code indicates the reason the credit application is rejected.

2. (Canceled)

3. (Canceled)

4. (Currently amended) A method of presenting a reason for the rejection of a credit application as recited in claim 1 further including electronically requesting an acknowledgement of the rejection from the applicant.

5. (Currently amended) A method of presenting a reason for the rejection of a credit application as recited in claim 4 further including electronically receiving an acknowledgement of the rejection from the applicant and ~~noting~~ recording that the acknowledgement was received.

6. (Original) A method of presenting a reason for the rejection of a credit application as recited in claim 1 wherein providing a rejection reason corresponding to the internal rejection code to the applicant further includes providing a web page to the applicant that includes the rejection reason.

7. (Original) A method of presenting a reason for the rejection of a credit application as recited in

Art Unit: 3621

claim 6 wherein providing a web page to the applicant that includes the rejection reason further includes providing an acknowledgement button to the applicant as part of the web page.

8. (Original) A method of presenting a reason for the rejection of a credit application as recited in claim 6 wherein providing a web page to the applicant that includes the rejection reason further includes providing an applet that communicates that the web page has been downloaded.

9. (Currently amended) ~~An~~ A system for presenting a reason for the rejection of a credit application from an applicant comprising: a communication interface; and a processor configured to: obtain a factor from a credit bureau identified as influencing the FICO score assigned to the application by the credit bureau; map the factor identified by the credit bureau to an internal rejection code; determine whether the internal rejection corresponds to a specific code or a general code; change the internal rejection code to correspond to a specific rejection reason if it is determined that the internal rejection code corresponds to a general code and the specific rejection reason is available; and provide a rejection reason corresponding to the internal rejection code to the applicant via the communication interface; wherein the internal rejection code indicates the reason the credit application is rejected.

10. (CANCELED)

11. (Currently amended) A computer readable medium having program code embodied therein for presenting a reason for the rejection of a credit application from an applicant comprising:

Art Unit: 3621

program code operative to obtain a factor from a credit bureau identified as influencing the FICO score assigned to the application by the credit bureau; program code operative to map the factor identified by the credit bureau to an internal rejection code; program code operative to determine whether the internal rejection corresponds to a specific code or a general code ; program code operative to change the internal rejection code to correspond to a specific rejection reason if it is determined that the internal rejection code corresponds to a general code and the specific rejection reason is available, and program code operative to provide a rejection reason corresponding to the internal rejection code to the applicant; wherein the internal rejection code indicates the reason the credit application is rejected.

Allowable Subject Matter

Claims 1, 4-9 and 11 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

As per claims 1, 9 and 11, and especially in view of applicant's arguments filed 23 May 2001, the closest prior art of record (WO97/22073 to Walker et al, 5,940,811 to Norris and 5,745,654 to Titan) taken either individually or in combination with other prior art of record fails to teach or suggest performing attribute tests to determine whether the result corresponds to an appropriate rejection reason, and if so, assigning the appropriate internal rejection code for the specific rejection reason and providing a rejection reason corresponding to the internal rejection code to the applicant. The closest prior art of record (Walker et al) teaches generally mapping a factor identified by the credit bureau to a general internal rejection code and providing a rejection of the application based upon a general reason for the rejection, however, does not teach performing an attribute test to determine if the result corresponds to an appropriate

Art Unit: 3621

rejection reason, and if so, assigning an appropriate internal rejection code for the specific reason for the rejection. Dependent claims 4-8 thus have all the limitations of claim 1 and are allowable for that reason.

For instance, the relevant portion of claim 1 as indicated above recites: "change the internal rejection code to correspond to a specific rejection reason if it is determined that the internal rejection code corresponds to a general code and the specific rejection reason is available; and providing a rejection reason corresponding to the internal rejection code to the applicant via a network; wherein the internal rejection code indicates the reason the credit application is rejected."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday - Friday 8 a.m.- 6:30 p.m. and by email: bradley.bayat@uspto.gov.

Application/Control Number: 10/386,390
Art Unit: 3621

Page 8

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached regarding urgent matters at 571-272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 2231-1450

Or faxed to:

(571) 273-8300 - Official communications; including After Final responses.

(571) 273-6704 - Informal/Draft communications to the examiner.



Bradley B. Bayat, Esq.
Department of Commerce - USPTO
KNOX - 5A48
Technology Center 3600
Art Unit 3621 - Patent Examiner
(571) 272-6704 Direct Dial
(571) 273-6704 Direct Fax
(571) 273-8300 Official Central Fax



Docket No.: 132538-1001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No: 6,567,791

Date of Issue: May 20, 2003

Patent No. 6,567,791; Issued: May 20, 2003

Confirmation No.: 1164

For: Method and Apparatus for a Verifiable On Line
Rejection of an Applicant for Credit

CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP
IN PATENT UNDER 37 C.F.R. §1.324 (b)(3)

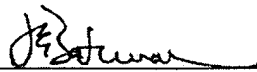
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

NextCard, LLC, owner by assignment of the above patent, in the assignment recorded in the PTO on May 25, 2007, Reel/Frame 19341/418, hereby consents to the correction of the inventorship of this patent as requested in the accompanying papers. Attached is a Statement Under 37 C.F.R. 3.73(b), establishing the right of the assignee to take action in this case.

Dated: May 20, 2009

Respectfully submitted,

By 

John Bateman
VP of CPMG, Inc.
the General Partner of Warbler
Technologies, LP, the sole member
and manager of NextCard, LLC



PTO/SB/96 (03-09)

Approved for use through 04/30/2009. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: NextCard, LLCApplication No./Patent No.: 6567791Filed/Issue Date: May 20, 2003Titled: METHOD AND APPARATUS FOR A VERIFIABLE ON LINE REJECTION OF AN APPLICANT FOR CREDITNextCard, LLC

, a

Limited Liability Company

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ an assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above by virtue of either:
- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B.
- ☒
- A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

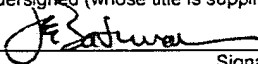
1. From: Lent, Jeremy R., et al. To: NextCard, Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel 009972, Frame 0717, or for which a copy thereof is attached.
2. From: Dermot Gately To: NextCard, Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel 017154, Frame 0145, or for which a copy thereof is attached.
3. From: NextCard, Inc. To: Marshall Credit Strategies, LLC
The document was recorded in the United States Patent and Trademark Office at
Reel 019341, Frame 0216, or for which a copy thereof is attached.

- ☒ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


SignatureMay 20, 2009

Date

John Bateman
Printed or Typed NameVP of CPMG, Inc., the General
Partner of Warbler Technologies,
LP, the sole member and manager
of NextCard, LLC
Title

CONTINUATION OF STATEMENT UNDER 37 CFR 3.73(b)

Patent No. 6567791, Filed May 20, 2003

Continuation of Section B – Chain of Title

From: Marshall Credit Strategies, LLC

To: NextCard, LLC

The document was recorded in the United States Patent and Trademark Office at

Reel 019341, Frame 0418, or for which a copy thereof is attached.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:)	
LENT, et al)	Examiner: John Hayes
)	
Application No.: 09/185,878)	Art Unit: 2161
Filed: November 3, 1998)	
Patent No.: 6,567,791)	
Issued: May 20, 2003)	
)	
For: METHOD AND APPARATUS)	
FOR A VERIFIABLE ON LINE REJECTION)	
OF AN APPLICANT FOR CREDIT)	
<hr/>		

STATEMENT OF DERMOT GATELY

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The error in inventorship with respect to the United States Patent Application No. 09/185,878, now Patent Number 6,567,791, by which I was not originally named as an inventor occurred without deceptive intent on my part.

Respectfully submitted,

Dermot Gately